

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 DAVID LOUIS WHITEHEAD, ) Case No. CV 12-08970 SVW (PLAx)  
12 Plaintiff, )  
13 v. ) **ORDER DENYING SECOND MOTION TO**  
14 SONY INC., COLUMBIA ) **RECUSE AND MOTION FOR**  
15 PICTURES, INC.; AEG LIVE AND ) **RECONSIDERATION**  
16 ANSHUTZ COMPANY; JOHN )  
17 BLANCA; JOHN McCLAIN; CIRQUE ) [Dkts. No. 16 & 19]  
18 DU SOLEIL AND CORPORATE )  
19 GLOBAL PARTNERS; TIME )  
20 WARNER; HOME BOX OFFICE; )  
WARNER BROS.; et al. )  
Defendants. )  
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)

21 This matter comes before the court on Plaintiff David  
22 Whitehead's second Motion for Recusal Pursuant to Rule 28 U.S.C.  
23 455(a) & (b1) and on his Motion for Reconsideration for Recusal.  
24 Plaintiff's second Motion to Recuse, filed on December 19, 2012, is  
25 identical to the Motion to Recuse that he filed on December 12,  
26 2012, and that this court denied on December 14, 2012. The court  
27 again DENIES the Motion to Recuse, on the same grounds as stated in  
28 the court's Order of December 14, 2012.

1       Reconsideration under Federal Rule of Civil Procedure 59(e) is  
2 appropriate where "(1) the district court is presented with newly  
3 discovered evidence, (2) the district court committed clear error  
4 or made an initial decision that was manifestly unjust, or (3)  
5 there is an intervening change in controlling law." Zimmerman v.  
6 City of Oakland, 255 F.3d 734, 740 (9th Cir. 2001). "Under Rule  
7 59(e), a motion for reconsideration should not be granted, absent  
8 highly unusual circumstances, unless [one of the above three  
9 criteria is met]." 389 Orange Street Partners v. Arnold, 179 F.3d  
10 565 (9th Cir. 1999). Plaintiff presents no new evidence, clear  
11 error, or change in law that would lead this court to reconsider  
12 its original denial of the Motion to Recuse. For this reason, the  
13 Motion for Reconsideration is DENIED.

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15 IT IS SO ORDERED.

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18 Dated: January 3, 2013

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DEAN D. PREGERSON  
United States District Judge